

REMARKS

Claims 30, 31, and 34-43 are presently pending. Claims 30, 31, and 34-42 stand rejected. Claims 1-29, 32 and 34 have been cancelled without prejudice. Claim 43 is added.

Claim 30 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Husain et al. (USPN 6,978,390, “Husain”) in view of Miettinen (USPN 7,352,999, “Miettinen”) and Davis (USPN 5,867,793, “Davis”). Claim 30 recites, among other limitations, “wherein the mobile terminal is operable to *detect a command* preceding an audio signal and operable to record the account information after detecting the command, wherein the command is transmitted wirelessly”.

Examiner has indicated that Miettinen teaches “wherein the mobile terminal receives commands that are transmitted wirelessly (Col. 7, lines 5-39 & Col. 9 line 55-58) and cause the mobile terminal to perform a predetermined operation. (Col 10, lines 7-10)”. Assignee respectfully traverses and submits that although the foregoing citations describe that “The terminal can receive the *information* in any of a number of different manners, such as via radio frequency transfer”, the foregoing do not teach “wherein the *command* is transmitted wirelessly”. Accordingly, Assignee respectfully requests that Examiner withdraw the rejection to claims 30, 31, and 34-36. Additionally, Assignee respectfully requests allowance of added claim 43 which is dependent on claim 30.

Claim 37 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Husain in view of Flitcroft in view of Kirkeby. Claim 37 recites, among other limitations, “an input for receiving an audio signal carrying a control signal and encrypted account information associated with the application for credit over a second network, wherein the control signal prompts the mobile terminal to decrypt the account information and save the account information to non-volatile memory”.

Examiner has indicated that Kirkeby “teaches a system and method that allows for remote broadcast recording including a mobile communication terminal that receives an audio signal that includes a control signal which information the portable device to begin recording”. However, Assignee respectfully submits that Kirkeby, and consequently the

combination of Husain, Flitcroft and Kirkeby, does not teach or fairly suggest "an audio signal carrying a control signal *and encrypted account information*".

Accordingly, Assignee respectfully requests that Examiner withdraw the rejection to claim 37, and 38-42.

Conclusion

For the foregoing reasons, each of the pending claims is allowable making the application in a condition for allowance. A notice of allowance is respectfully requested. It is believed that no fee is due, however, to the extent that any fee is due, the Commissioner is hereby authorized to charge such fee to charge account 13-0017.

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Respectfully submitted,



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